

AREA PLAN COMMISSION OF TIPPECANOE COUNTY

MINUTES OF A PUBLIC HEARING

DATENovember 20, 2002
 TIME7:00 P.M.
 PLACE.....County Office Building
 20 N. 3RD Street
 Lafayette, IN 47901

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT
Jack Rhoda	Mike Harris	James Hawley
Jan Mills	Miriam Osborn	Sallie Fahey
KD Benson	Stuart Boehning	Heather Prough
Karl Rutherford		Joanna Grama, Atty
Steve Schreckengast		Michelle D'Andrea
David Williams		
Kathy Vernon		
John Knochel		
Jeff Kessler		
Mark Hermodson		
Laura Peterson		
James Miller		

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 20th day of November 2002, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Jack Rhoda called the meeting to order.

I. BRIEFING SESSION

James Hawley informed the Commission of the need for continuance on **Z-2097—CONCORD ROAD, LLC (THE VILLAS AT STONES CROSSING PLANNED DEVELOPMENT) (R3 TO PDRS); Z-2098-MARK & LISA BECKER (R2 TO GB); Z-2099—DANNY T. AKRIDGE & LINDA D.AKRIDGE (I3 TO R1); Z-2101—FRED M. & ANDREA D. KUIPERS (A TO RE)(Meadowgate Estates); Z-2102—KINGSWOOD DEVELOPMENT, LLC (A TO RE)(Kingswood East Subdivision); S-3233—SHORTER COMMERCIALSUBDIVISION, REPLAT OF SECTION 2 (MAJOR-PRELIMINARY); S-3240-EAGLES NEST FARMS, PHASE 1, SECTIONS 1, 2, 3, 4, AND 5 (MAJOR PRELIMINARY); S-3241—FUCHS MINOR SUBDIVISION (MINOR-SKETCH).** He mentioned that **S-3241** was continued because changes that have to be made based on information that was necessary to complete the report was not in hand one week before this hearing, as per the APC rule.

Jack Rhoda asked if they were all continued to the December 18, 2002 meeting.

James Hawley replied that with the exception of **S-3241—FUCHS MINOR SUBDIVISION (MINOR-SKETCH)**, all should be on the December 18, 2002 agenda. He stated that because public improvements would be required for this case, it will be reclassified as a major subdivision, go through the preliminary stage at a regular public hearing and need to be re-filed.

Sallie Fahey pointed out that it would not be listed as the same case.

James Hawley confirmed that it would be listed as a new subdivision number.

Jack Rhoda asked if this petition would have to be dismissed.

Sallie Fahey said it should not be dismissed; it is just not eligible for hearing.

Jack Rhoda asked how it should be handled for tonight's agenda. He asked if a motion should be made to continue to January's meeting, or to table it.

Sallie Fahey said neither option would be appropriate. She suggested making a motion that it was not eligible to be heard as a minor sketch plan because it will have to be classified as a major sketch plan.

James Hawley stated that would be an appropriate motion. He said that since it would not be continuing along its current route, that motion would recognize it as having to be submitted in a different form.

Jack Rhoda asked Jeff Kessler to work on the wording of that motion.

II. APPROVAL OF MINUTES

Jeff Kessler moved to approve the minutes of the October 16, 2002 public hearing. Kathy Vernon seconded.

Jan Mills moved to amend page ten, middle of the page to read, "Toast to Preservation". Mark Hermodson seconded. The motion carried by voice vote.

Motion to approve amended minutes carried by voice vote.

III. NEW BUSINESS

RESOLUTION PD 02-16: HIGHLAND PARK PLACE, PHASE 1 PLANNED DEVELOPMENT (Z-2093) Final Detailed Plans for reuse of the former Highland School into 12 condominium apartments plus common area, on the 2.532-acre school grounds fronting on Owen and 5th Streets and Cherokee Avenue in Lafayette, Fairfield 29 (SE) 23-4.

CONTINUED FROM THE NOVEMBER EXECUTIVE COMMITTEE MEETING.

Jeff Kessler moved to hear and approve the above-described resolution Kathy Vernon seconded the motion.

Sallie Fahey read staff report with recommendation of approval.

Joseph T. Bumbleburg, 1535 Lafayette, IN 47902, representing the petitioner, stated that the petitioner Julie Ginn was present and available to answer questions. He informed the Commission that the reason this was not heard at the Executive Committee meeting on November 6, 2002, was because the developer did not yet have control of the building. He stated that the closing took place this morning. He said that the staff report was in line with the final detailed plans. He asked for approval.

Jeff Kessler stated that this project was fabulous. He asked who was on the architectural committee.

Joseph T. Bumbleburg replied the people who live there and the developer.

Mark Hermodson moved to approve bonding for RESOLUTION PD 02-16: HIGHLAND PARK PLACE, PHASE 1 PLANNED DEVELOPMENT (Z-2093). Jan Mills seconded and the motion carried by voice vote.

02-2093). The Commission voted by ballot 12 yes – 0 no to approve RESOLUTION PD 16: HIGHLAND PARK PLACE, PHASE 1 PLANNED DEVELOPMENT (Z-

IV. PUBLIC HEARING

Jeff Kessler moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance of Tippecanoe County, Indiana, are hereby entered by reference into the public record of each agenda item. Kathy Vernon seconded and the motion carried by voice vote.

Jack Rhoda read the meeting procedures.

A. REZONING ACTIVITIES

Jeff Kessler moved to continue Z-2097—CONCORD ROAD, LLC (THE VILLAS AT STONES CROSSING PLANNED DEVELOPMENT) (R3 TO PDRS); Z-2098- MARK & LISA BECKER (R2 TO GB); Z-2099—DANNY T. AKRIDGE & LINDA D. AKRIDGE (I3 TO R1); Z-2101—FRED M. & ANDREA D. KUIPERS (A TO RE) (Meadowgate Estates); Z-2102—KINGSWOOD DEVELOPMENT, LLC (A TO RE) (Kingswood East

Subdivision); to the December 18, 2002 Area Plan Commission meeting.
Kathy Vernon seconded and the motion was carried by voice vote.

Jeff Kessler moved to continue **S-3233—SHORTER COMMERCIAL SUBDIVISION, REPLAT OF SECTION 2 (MAJOR-PRELIMINARY); S-3240-EAGLES NEST FARMS, PHASE 1, SECTIONS 1, 2, 3, 4, AND 5 (MAJOR PRELIMINARY);** to the December 18, 2002 Area Plan Commission meeting.
Kathy Vernon seconded and the motion carried by voice vote.

Jeff Kessler moved that the following petition is not eligible for hearing and that petitioner must resubmit as a major subdivision because of public improvements: **S-3241—FUCHS MINOR SUBDIVISION (MINOR-SKETCH).**
Kathy Vernon seconded and the motion carried by voice vote.

1. **Z-2083—JEFF WALKER (A TO I3):** Petitioner is requesting the rezoning of 0.958 acres located on the north side of CR 375 S on the west side of I-65, Sheffield 8 (SE) 22-3. **CONTINUED FROM THE OCTOBER MEETING (SECOND CONTINUANCE.)**

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey read staff comments, with recommendation for denial.

James Hawley presented slides of the zoning map and aerial photo.

KD Benson asked about a piece of I zoned land near the property in question.

James Hawley said staff recommended against that piece for the Brand Company. He said that it was an illegal land use, which was legalized by rezoning it to industrial. He reiterated recommendation of denial. He said that it was inappropriate as an I3 zone and questionable in the face of the Highway Beautification Act.

Joseph T. Bumbleburg, representing the petitioner, stated that Mr. Walker was present. He stated that this piece of property was a remnant of the I-65 highway take several years ago. He pointed out that this land is 1200 feet south of the Steel-I3 rezone and within view of the Brand Company rezoning. He referenced the Alan W. Outdoor Advertising vs. The State of Indiana and said he has read the entire case. He mentioned that in that case, the trial court found that the billboard was not adjacent to any public road. He said that was significant because this land is adjacent to two public roads. He presented pictures indicating the access roads. He said that the Alan W. Outdoor case simply does not apply. He stated that the question is whether or not a small businessman that cannot afford to buy land in the Steele land or close to town, but can afford this little piece of land and put a business on it, should be entitled to do so. He presented a business plan from Lafayette Savings Bank who is prepared to deal with this from a financing basis. He mentioned that

Midwest States has worked with Jeff Walker on a building to go on the site. He presented a letter from the Tippecanoe County Health Department regarding a septic system for the area. He said that Lafayette Tub resurfacing has been in business since 1984 in the community. He mentioned that they resurface cast iron, steel and fiberglass bathtubs in addition to sinks and ceramic tile. He stated that most of the work is done in customer homes, so up until now there was no need for a place of business. He said that the business has grown to a point that the community needs this service. He stated they have very few employees and they are mostly part time. He presented the company's brochure to the Commission. He stated that this would not harm the area in any way. He presented pictures of examples of their work. He reiterated that they are a small business that now needs a shop and cannot afford a large amount of money for a place in town. He said that this rezone would make a piece of junk-land productive. He reiterated that there will be no harm to the community and the community would benefit from this business. He asked for approval.

Steve Schreckengast asked Joanna Grama her opinion on Joseph T. Bumbleburg's comments of the Alan W. Outdoor case.

Joanna Grama said that the law states that spot rezoning is singling out a parcel of land. She quoted directly from the case of Alan W. Outdoor vs. The State of Indiana. She added that the case goes on to say that in Indiana spot rezoning is not illegal per se, which means it is not illegal on it's own. She continued saying that it is ok if the zoning actions bears a rational relation to the public health, safety, morals, convenience or general welfare.

Steve Schreckengast asked how it applies to the Federal Statute on highway beautification.

Joanna Grama stated she did not have that information available at this time.

Mark Hermodson asked why I3 was being requested.

Joseph T. Bumbleburg stated that there would be vehicles outside in addition to some outside storage. He pointed out that in the Alan W. case the court found that the land involved had no present foreseeable commercial or industrial use, which is why it was seen to be a spot rezone.

James Miller mentioned that the staff report indicated that there will be a billboard business and Joseph T. Bumbleburg has indicated a completely different kind of business. He asked if that would change the staff report.

James Hawley stated the staff report would not change because once it is zoned I3 a billboard would be allowed, which it is not now.

Mark Hermodson asked for confirmation that was true for any I zone.

James Hawley replied yes, with the exception of land within West Lafayette.

David Williams asked who Lafayette Tub Resurfacing was. He said that the letter from Lafayette Savings Bank was addressed to a Mr. Hawkins.

Joseph T. Bumbleburg stated that Mr. Hawkins and Mr. Walker both run Lafayette Tub Resurfacing.

Mark Hermodson commented that in addition to this being a spot zone, the I3 zone could create a large mess, right next to the freeway. He stated that he couldn't support this.

Steve Schreckengast asked if the existing driveway would be used.

James Hawley replied that they could not use those driveways shown by Mr. Bumbleburg because they do not go to the site. He said that a drive going directly to the site did not exist.

Joseph T. Bumbleburg stated that the answer is no, they would not be using those driveways because they have to be complying.

Steve Schreckengast asked if the Highway Department had looked at the site plan for driveway approval.

Jack Rhoda asked to confirm that the pictures presented were not of this site.

Joseph T. Bumbleburg explained that the pictures were intended to show other similar sites nearby.

The Commission voted by ballot 3 yes – 9 no to recommend denial of Z-2083—JEFF WALKER (A TO I3) to the Tippecanoe County Commissioners.

Yes votes

John Knochel
Laura Peterson
KD Benson

No votes

Steve Schreckengast	Jack Rhoda
Karl Rutherford	Jan Mills
David Williams	James Miller
Mark Hermodson	Kathy Vernon
Jeff Kessler	

2. Z-2085—BLACK & BLACK PROPERTIES LIMITED PARTNERSHIP (A TO I1): Petitioner is requesting the rezoning of 1 acre located on the south side of CR 250 N, at 3675 W 250 N, Wabash 10 (SW) 23-5. CONTINUED
FROM THE OCTOBER MEETING BY INCONCLUSIVE VOTE.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Sallie Fahey read the staff report with recommendation for denial.

James Hawley presented slides of the zoning map, site map and aerial photos. He reiterated the recommendation for denial.

Randy Williams, P.O. Box 1534, Lafayette, IN, representing the petitioner, stated that the petitioners were present. He said that the site is currently in an A zone. He mentioned that there are aspects of an A zone that would be more intrusive than items that are listed in the staff report. He stated that the lot was 1.001 acres, 100 feet wide and plus 400 feet deep and not a really intrusive industrial use. He pointed out the zoning in the general area of the site, and recapped the zoning history and area zoning patterns. He mentioned that originally the zoning was IR. At the inception of NUZO it was OR and in 1998 a decision was made to change all OR in Wabash Township to A. He pointed out that there was a huge section of I3, kiddy-corner from this site and several other sites that are GB. He presented seven slides of the property. He pointed out that Tippecanoe Foods was one half mile down the road. He showed pictures of other businesses on 250N and an example of the type of sign the petitioner might use. He presented pictures to the Commission showing the types of work the petitioner would be doing. He said that there are five 1-acre A-zoned lots along this road and none of them are appropriate. He said that an I request is not an intrusive request. He said that the size of the lot is limiting with some natural protections and would not be intruding on any of the neighbors. He stated that this would be an auto rehab shop that Dr. Black would like to run in his retirement years.

Steve Schreckengast stated that last month he voted against this petition, but since then has driven through the area again and has changed his mind. He agreed with Randy Williams that this is not an ideal residential area.

Karl Rutherford asked what prompted the request for rezone. He mentioned the discussion from last month's meeting, that if this were a hobby it would not need to be rezoned. He suggested that he would be able to do this work under the A zone until it got too big and would have to be moved.

Randy Williams stated that it would be nice to get the zoning done now. He said he has the property now and is planning for the future.

Karl Rutherford stated he understood that. He asked if there was a zoning enforcement that caused this to come before the Commission or the desire to get legal.

Randy Williams stated that the petitioner was not illegal now. He informed the Commission that petitioner approached the staff and they advised him of what would need to be done to accomplish his retirement goals. He said that the staff informed the petitioner that they did not approve of his plans, but advised him on how it would have to be handled.

The Commission voted by ballot 8 yes – 4 no to recommend approval of **Z-2085—BLACK & BLACK PROPERTIES LIMITED PARTNERSHIP (A TO I1)** to the Tippecanoe County Commissioners.

Yes Votes

Steve Schreckengast

David Williams

Laura Peterson

Hermudson

James Miller

Jeff Kessler

KD Benson

Kathy Vernon

John Knochel

No Votes

Karl Rutherford

Jack Rhoda

Mark

Jan Mills

3. **Z-2096—HABITAT FOR HUMANITY (I2 TO R1U):** Petitioner is requesting the rezoning of a portion of lot number 29, Rochester's South Addition, located at 1017 Queen Street, Lafayette, Fairfield 29 (SW) 23-4. CONTINUED FROM THE OCTOBER MEETING. (FIRST CONTINUANCE.)

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Sallie Fahey the read staff report with recommendation for denial.

James Hawley presented slides of the zoning map, aerial photo and site plan. He reiterated staff's concern about the safety of placing residences that close to the railroad and staff's recommendation of denial.

Steve Schreckengast asked to revisit the slide, showing another recent rezone.

James Hawley pointed it out on the slide.

Al Alexander, 420 South 1st Street, Lafayette, IN, presented pictures and a handout to the Commission. He pointed out in the pictures that the property in question is parallel to the railroad track signage, and where Elm Street ends. He said that the current Habitat home, which is under construction, is next door. He mentioned that they had acquired this property, after rezoning had been requested of the City Council. He stated that the City had given them this property because of the loss of land due to railroad relocation and this is the reason it was not in the original request for rezone. He pointed out that the dimensions on the current Habitat home are different than the proposed home, simply because of the size of the property. He said that the current home is 34 feet deep by 28 feet wide and the proposed home for this lot is 24 feet deep by 48 wide. He mentioned that the land is on an elevated slope up to the railroad tracks. He said that this is really not an industrial zone, it is more residential.

Jan Mills asked for clarification as to where the house is going to be.

Al Alexander pointed out the location in the picture. He stated that he did some research on the railroad website because he did not understand staff's

safety concern. He presented statistics on railroad accidents via use of the overhead projector. He said that per the Railroad Administration, in 2001, the average was 2.31 accidents per billion miles of train travel. He quoted from the Railroad Administration their definition “accident”, which encompassed almost everything not just major catastrophes. He explained that when these statistics were applied to this quarter mile of property, the worst-case scenario, would be equal to 1 accident every 80 years. He informed the Commission that he consulted with State Farm Insurance on their concerns with railroad tracks and homes and they did not have any. He stated that State Farm does not charge higher premiums for being close to the railroad and they are more concerned with the distance from the street. He said that another issue is whether or not another house fits in with the environment, and the whole area is homes. He stated that if this property was I2, there are many things that would be more dangerous than a home. He said that Habitat is concerned for their clients’ well being, but in this case there is overreacting. He pointed out that the proposed home is 65 feet from the tracks and more centered on the lot than the other homes.

Steve Schreckengast asked if this was on a dead end street.

Jack Rhoda and Al Alexander explained that it was not a dead end.

The Commission voted by ballot 7 yes – 5 no on **Z-2096—HABITAT FOR HUMANITY (I2 TO R1U)**. The case is continued to the December 18, 2002 Area Plan Commission Meeting due to an inconclusive vote.

Yes Votes

James Miller
Laura Peterson
Kathy Vernon
Steve Schreckengast

Jeff Kessler
Karl Rutherford
David Williams

No Votes

John Knochel
KD Benson
Mark Hermodson
Jack Rhoda
Jan Mills

4. **Z-2100—FRANKLIN L. SPAIN, JR. (AW TO RE) (Haggerty Hollow Subdivision):** Petitioner is requesting rezoning of 20.06 acres in order to permit a 12-lot rural estate subdivision located on the south side of CR 200 South and the west side of CR 800 East, Sheffield 4 (NE) 22-3.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Sallie Fahey read the staff report with recommendation of approval.

James Hawley presented slides of the zoning map, aerial and site plan. He reiterated staff’s recommendation of approval. He mentioned that this is a good example of a rural estate site.

Paul Coutts, representing the petitioner, 719 Monon Ave, Lafayette, IN, stated that he agreed with James Hawley in that this property is made for an RE subdivision. He said that 100% of this property is non-agricultural, 2/3 is wooded and the rest is un tilled grassland. He stated that the petition complies with the intent of the rural estate subdivision. He asked for approval.

Fred Sterrett, 1919 Connemara Lane, Lafayette, IN, stated that he lives directly across from this property. He said that last year CR 200 South was retiled underneath and caused his property to receive all the water from both sides of the road. He explained that when rainfall is at $\frac{3}{4}$ of an inch, he receives approximately one foot of water. He stated that if this addition were built with the current drainage, he would be flooded out. He reiterated that there is no drainage on the south side of 200 South. He stated that drainage from the farmlands at the corner of CR 800 E and CR 200 S is going directly into the Fairfield Lakes.

Kate McKee, 1809 Connemara Lane, Lafayette, IN, stated that in addition to the concern of Mr. Sterrett, she was also concerned with the swiftness of the water going into the Fairfield Ponds. She said that she was concerned about the chemical content of the water and the hazards it posed to fish.

Paul Coutts stated that as per the requirements for sketch plan review; they have already had a preliminary meeting and conferred with Steve Murray, the County Surveyor. He said that it would be required to have an overall storm-drainage plan and comply with the ordinance for detention storage and rate of release on the run off. He stated that these plans would be submitted to the Drainage Board as part of the subdivision process.

Jack Rhoda asked if that would help Mr. Sterrett's problem.

Paul Coutts stated that they would not affect Mr. Sterrett's problem. He said that he couldn't solve the County road problem that already exists, but would not be adding to it either. He mentioned that on their site they have already allocated some areas for storage. He reiterated that he cannot solve the County problem, but would not be impacting that area because they will have detention storage on their site.

KD Benson asked how lot eight was accessed.

Paul Coutts stated lot eight has a flagpole off of CR 800 East. He said that the subdivision road off CR 800 East leads to a hammerhead, which has a 30 feet wide flagpole.

The Commission voted by ballot 11 yes – 1 no to recommend approval Z-2100—FRANKLIN L. SPAIN, JR. (AW TO RE) (Haggerty Hollow Subdivision) to the Tippecanoe County Commissioners.

Yes Votes

James Miller

Jan Mills

No Votes

Jack Rhoda

Laura Peterson
 Kathy Vernon
 Jeff Kessler
 Karl Rutherford
 Steve Schreckengast

KD Benson
 John Knochel
 Mark Hermodson
 David Williams

Karl Rutherford stated that Mr. Sterrett's problem should to be brought before the Commissioners.

KD Benson informed Mr. Sterrett to attend the Drainage Board Meeting.

B. SUBDIVISIONS

1. **S-3238—ALEXANDER'S SUBDIVISION, REPLAT OF LOT 3 (MINOR- SKETCH):** Petitioners are seeking primary approval to replat a 0.96 acre lot into 2 lots. The site is located on the west side of Beck Lane, just south of the Old Romney Road turn-off, in the City of Lafayette, Fairfield 31 (NE) 23-4.

Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded.

Sallie Fahey read the staff report with recommendation of conditional primary approval subject to the following conditions:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved entrance, a "No Vehicular Access" statement shall be platted along the South Beck Lane right-of-way line for Lot 3.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. All required building setbacks and buffering based on the zoning in place at the time the final plat is filed shall be platted.
4. Street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

5. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

James Hawley presented slides of the zoning map, aerial photo and plat. He reiterated staff's recommendation for conditional primary approval.

Paul Coutts, representing the petitioner, stated the petitioners were present. He informed the Commission that the intent of this petition was to take a very long, very deep lot and create a new lot for their son.

The Commission voted by ballot 12 yes – 0 no to grant conditional primary approval on **S-3238—ALEXANDER’S SUBDIVISION, REPLAT OF LOT 3 (MINOR-SKETCH).**

2. **S-3239—BURROUGHS STREET SUBDIVISION (MINOR-SKETCH):** Petitioner is seeking primary approval for a 2-lot subdivision on 0.994 acres, located at the northwest corner of North 9th Street Road and Burroughs Street, in the City of Lafayette, Fairfield 16 (W½) 23-4.

Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded.

Sallie Fahey read the staff report with recommendation of conditional primary approval subject to:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. A “no vehicular access” statement must be platted along the North Ninth Street Road right-of-way and at the corner of Burroughs Street and North Ninth Street Road as shown on the sketch plan.
2. Right-of-way to be dedicated along North Ninth Street must be a half-width of 30’ instead of 25’.
3. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate necessary right-of-way.
4. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
5. All required building setbacks should be platted.
6. Street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

7. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

James Hawley presented slides of the zoning map, aerial photo and plat. He reiterated staff’s recommendation for conditional approval.

Paul Coutts, representing the petitioner, stated the petitioner was also present.

The Commission voted by ballot 12 yes – 0 no to grant conditional primary approval on **S-3239—BURROUGHS STREET SUBDIVISION (MINOR-SKETCH).**

3. **S-3242—RIVER BLUFFS SUBDIVISION, PART 2 & REPLAT OF**

LOT 13 IN PART 1 (MAJOR-PRELIMINARY): Petitioners are seeking primary approval for a 14-lot single-family subdivision on 9.09 acres. The site is a re-plat and addition to the existing development, located on the southwest side of Greenview Drive southeast of Pretty Prairie Road, in Tippecanoe, Burnetts Reserve 2 (NE 1/2) 24-3.

4. S-3243—RIVER BLUFFS SUBDIVISION, PART 4 & REPLAT OF LOTS 16 – 18 IN PART 1 (MAJOR-PRELIMINARY): Petitioner is seeking primary approval for a 15-lot single-family subdivision on 8.02 acres, located on the southeast side of Pretty Prairie Road, just east of the CR 500 E intersection, in Tippecanoe Burnetts Reserve 2 (NE 1/2) 24-3

Jeff Kessler moved to hear and vote on the above-described requests. Kathy Vernon seconded.

Sallie Fahey read the staff report for **S-3242** with request for bonding and recommendation of conditional primary approval subject to:

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

1. The Town of Battle Ground shall approve the sanitary sewer plans.
2. The Battle Ground Water Conservancy District shall approve the water plans.
3. The fire hydrants shall be approved by the Tippecanoe Township Fire Department. Plans for the actual placement of the hydrants shall be approved by the Town in cooperation with the Fire Department.
4. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
5. The County Drainage Board shall approve the drainage plans.
6. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

7. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
8. The Board of County Commissioners shall vacate the existing easement in the middle of proposed Lot 66.
9. All existing easements, covenants or restrictions (not vacated or deleted) shall be shown and referenced with the corresponding

recording information (Document Number and date recorded).

10. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

11. A restriction shall be included requiring those lots zoned R3 to only be used for single-family residential purposes.

Sallie Fahey read the staff report for **S-3243** with request for bonding and recommendation of conditional primary approval subject to:

1. The street name "A" Drive shall be replaced in the construction plans and on the final plat by a name approved by the Post Office and 911.

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

2. The Town of Battle Ground shall approve the sanitary sewer plans.
3. The Battle Ground Water Conservancy District shall approve the water plans.
4. The fire hydrants shall be approved by the Tippecanoe Township Fire Department. Plans for the actual placement of the hydrants shall be approved by the Town in cooperation with the Fire Department.
5. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
6. The County Drainage Board shall approve the drainage plans.
7. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

8. A "No Vehicular Access" statement shall be platted along the Pretty Prairie Road right-of-way line, wrapping around the southwest right-of-way of the entrance street, Greenvue Drive, up to the southeast corner of Lot 17.
9. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
10. The Board of County Commissioners shall vacate the existing easement in the middle of proposed Lots 75 and 76.
11. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
12. The street addresses and County Auditor's Key Number shall be

shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

13. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
14. A restriction shall be included requiring those lots zoned R3 to only be used for single-family residential purposes.

James Hawley presented slides of the zoning map, aerial photo and plat. He reiterated staff's recommendation for conditional primary approval.

Pat Cunningham, Vestor and Associates, representing the petitioner, 309 Columbia Street Suite 101, Lafayette, IN, stated the petitioners are present. He said that they have read and agree with staff's comments and conditions. He asked for approval.

The Commission voted by ballot 12 yes – 0 no to grant conditional primary approval on **S-3242—RIVER BLUFFS SUBDIVISION, PART 2 & REPLAT OF LOT 13 IN PART 1 (MAJOR-PRELIMINARY).**

The Commission voted by ballot 12 yes - 0 no to permit bonding.

The Commission voted by ballot 12 yes – 0 no to grant conditional primary approval on **S-3243—RIVER BLUFFS SUBDIVISION, PART 4 & REPLAT OF LOTS 16 – 18 IN PART 1 (MAJOR-PRELIMINARY).**

The Commission voted by ballot 12 yes - 0 no to permit bonding.

V. ADMINISTRATIVE MATTERS

VI. APPROVAL OF THE DECEMBER 2002 EXECUTIVE COMMITTEE AGENDA

James Hawley informed the Commission that there is a filing defect with **S-3251—PADGETT SUBDIVISION (MINOR-SKETCH)**. He stated that there is no owners signature in the file, so it should not be placed on the Executive Committee agenda for December.

James Hawley informed the Commission that **BZA-1629—HAWKINS OUTDOOR ADVERTISING**, should be excluded from the Determination of Variance, but should still be on the ABZA agenda for December.

Sallie Fahey stated that it should be excluded from Determination of Variance because there will be additional variance requests and the determination should be made for all of them at once.

Jeff Kessler moved that the following subdivision petitions be placed on the December 4, 2002 Area Plan Commission Executive Committee Agenda at petitioners' request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-3250—COOK SUBDIVISION (MINOR-SKETCH)
S-3252—MENNEN DAYTON SUBDIVISION (MINOR-SKETCH)

Kathy Vernon seconded and motion was carried by voice vote.

VII. APPROVAL OF THE DECEMBER 2002 ABZA AGENDA

Jeff Kessler moved that the following petitions be placed on the December 4, 2002 Area Board of Zoning Appeals Public Hearing Agenda:

BZA-1627—JAMES ANDREW
BZA-1628—MARIE & DONALD SWOVERLAND
BZA-1629—HAWKINS OUTDOOR ADVERTISING

Kathy Vernon seconded and the motion carried by voice vote.

Jeff Kessler moved that with regard to the following petitions, the sign ordinance be strictly adhered to: **BZA-1627—JAMES ANDREW; BZA-1629—HAWKINS OUTDOOR ADVERTISING** Kathy Vernon seconded and the motion carried by voice vote.

VIII. DETERMINATION OF VARIANCES
A. Area Board of Zoning Appeals

Jeff Kessler moved that the following requests for variance form the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute:

BZA-1627—JAMES ANDREW
BZA-1628—MARIE & DONALD SWOVERLAND.

Kathy Vernon seconded and motion was carried by voice vote.

IX. DIRECTOR'S REPORT
X. CITIZENS' COMMENTS AND GRIEVANCES

XI. ADJOURNMENT

Jeff Kessler moved that the meeting be adjourned. Kathy Vernon seconded and the motion carried by voice vote.

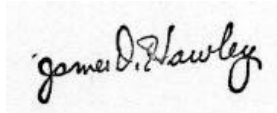
The meeting was adjourned at 8:45 P.M.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,

A handwritten signature in black ink, reading "James D. Hawley". The signature is written in a cursive style with a large, stylized "J" and "H".

James D. Hawley, AICP
Executive Director